

09/331375



UNITED STATES DEPARTMENT OF COMMERCE
 Patent and Trademark Office
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U.S. APPLICATION NO. 09/331,375	FIRST NAMED APPLICANT COHEN	ATTY. DOCKET NO. C 00960-519
DATE MAILED DEC 05 1999		INTERNATIONAL APPLICATION NO. PCT/US97/23611
IVOR R. ELRIFI MINTZ LEVIN COHN FERRIS GLOVSKY POPEO ONE FINANCIAL CENTER BOSTON MA 02110		DATE MAILED 08/04/99
DATE MAILED 12/19/97		PRIORITY DATE 12/20/96

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed _____ and _____.

☐ Information Disclosure Statement(s) filed _____ and _____.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____.

☐ Statement Claiming Small Entity Status.

☐ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

- ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Deborah Williams
 National Stage Processing

Telephone: (693) 305-3744

RECEIVED

AUG 09 1999

<input type="checkbox"/> File	<input type="checkbox"/> Date Entry
<input type="checkbox"/> Docket Entry	<input type="checkbox"/> Docket Cross
<input type="checkbox"/> Previously Entered	<input type="checkbox"/> No Docketing
<input type="checkbox"/> Order Code	<input type="checkbox"/> Annuitant
<input type="checkbox"/> Efile	

Express Mail Label No.: EJ77026 00US
Date of Deposit: December 3, 1999

PT/PCT Rec'd 02 DEC 1999
12-06-98
09/331375

Attorney Docket No: 00960-519 (CBM-019)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Cohen, *et al.*

ASSIGNEE: Creative BioMolecules, Inc.

U.S. SERIAL

NUMBER: 09/331,375

INTERNATIONAL

FILING DATE: December 19, 1997

FOR: TREATMENT OF MAMMALIAN MYOCARDIUM WITH MORPHOGEN
LOCALLY, OR WITH MORPHOGENICALLY-TREATED MYOGENIC
PRECURSOR CELLS

~~520 Rec'd PCT/PTO 06 DEC 1999~~

December 3, 1999
Boston, Massachusetts

Box Missing Parts

Assistant Commissioner for Patents
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. §371**

In response to the Notification of Missing Requirements Under 35 U.S.C. §371, mailed August 4, 1999, for filing in the above-referenced patent application are the following documents:

- ☐ an executed Combined Declaration and Power of Attorney form [4 pp.];
- ☐ a Petition for a three (3) month extension of time under 37 C.F.R. §1.136(a) [1 pg.];
- ☐ a check (#4900) in the amount of \$435.00 for a three (3) month extension of time as set forth in 37 C.F.R. §1.17(a)(3); and
- ☐ a Return Postcard.

Although Applicants believe that no additional fees are due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311, Reference No. 00960-519 (CBM-019). A duplicate of this Response is enclosed herewith.

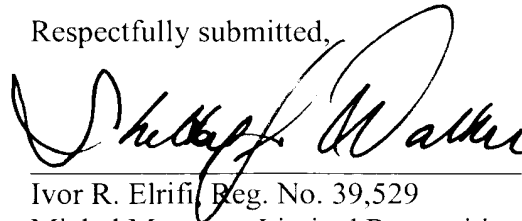
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435.00 0P

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Shelby J. Walker", written over a horizontal line.

Ivor R. Elrifi, Reg. No. 39,529
Michel Morency, Limited Recognition
Shelby J. Walker, Reg. No. 45,192
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Dated: December 3, 1999
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Express Mail Label No.: EJ7702637JUS
Date of Deposit: December 3, 1999

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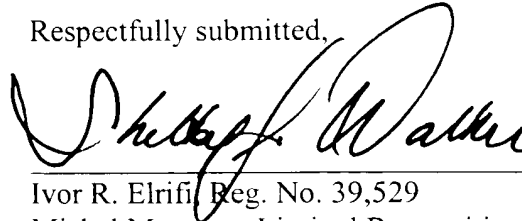
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